

**MEMORANDUM**

TO: District of Columbia Board of Zoning Adjustment

FROM: Stephen J. Mordfin, AICP, Case Manager
Joel Lawson, Associate Director Development Review

DATE: September 27, 2011

SUBJECT: BZA Case 18282 - expedited request pursuant to DCMR 11 § 3118 for special exception relief under § 223 to construct an addition to an existing row dwelling at 2018 Hillyer Place, N.W.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception relief pursuant to § 223:

- § 403, Percentage of Lot Occupancy (60 percent permitted, 67 percent proposed.)

II. LOCATION AND SITE DESCRIPTION

Address	2018 Hillyer Place, N.W.
Legal Description	Square 93, Lot 97
Ward	2
Lot Characteristics	Rectangular lot with alley access
Zoning	D/DC/R-5-B
Existing Development	Row dwelling, permitted in this zone.
Historic District	Contributing structure within the Dupont Circle Historic District
Adjacent Properties	Predominantly developed with row houses and small apartment buildings

III. PROJECT DESCRIPTION IN BRIEF

Applicant	John J. Ricotta
Proposal	First-floor deck over a basement level bedroom
Relief Sought	§ 223 - Additions to a One-Family Dwellings or Flats



IV. ZONING REQUIREMENTS

D/DC/R-5-B Zone	Regulation	Existing	Proposed	Relief
Height § 400	50 ft. max.	30 ft.	30 ft.	None required
Lot Width § 401	None prescribed	20 ft.	20 ft.	None required
Lot Area § 401	None prescribed	1,800 sq.ft.	1,800 sq.ft.	None required
Floor Area Ratio § 402	1.80 max.	1.10	1.29	None required
Lot Occupancy § 403	60 % max.	47 %	67 %	Required
Rear Yard § 404	15 ft. min.	18.67 ft.	18.67 ft.	None required
Open Court Width § 406	6 ft. min.	6 ft.	6 ft.	None required

V. OP ANALYSIS

223 ZONING RELIEF FOR ADDITIONS TO ONE-FAMILY DWELLINGS OR FLATS (R-1) AND FOR NEW OR ENLARGED ACCESSORY STRUCTURES

223.1 An addition to a one-family dwelling or flat, in those Residence districts where a flat is permitted, or a new or enlarged accessory structure on the same lot as a one-family dwelling or flat, shall be permitted even though the addition or accessory structure does not comply with all of the requirements of §§ 401, 403, 404, 405, 406, and 2001.3 shall be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

Row dwellings are a permitted use in this zone. The applicant is requesting special exception relief under § 223 from the requirements of § 403, Lot Occupancy.

223.2 The addition or accessory structure shall not have a substantially adverse affect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

(a) The light and air available to neighboring properties shall not be unduly affected;

The proposed addition would be one-story in height, providing additional living space within the basement level of the subject property. A deck atop the addition would contain no walls and block no windows of adjoining properties. The minimum rear yard would be provided as required. Therefore, light and air to neighboring properties would not be unduly affected.

(b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;

The existing kitchen on the subject property would block views of the proposed building addition from the west. Views of the proposed addition from the east would be screened by an existing party wall and fencing atop the neighbor's garage. The proposed addition would be set back in excess of the minimum rear yard to the south, ensuring that privacy of use and enjoyment of neighboring properties would not be unduly compromised.

(c) The addition or accessory structure, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage; and

The addition as viewed from the alley would not substantially visually intrude upon the character, scale and pattern of houses as it would be residential in appearance. The application has been reviewed by the Historic Preservation Office, which found that the proposal raises no historical issues.

- (d) *In demonstrating compliance with paragraphs (a), (b) and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways.*

The applicant submitted plans, photographs, plans and elevation drawings of the proposed addition in support of the application.

- 223.3 *The lot occupancy of all new and existing structures on the lot shall not exceed fifty percent (50%) in the R-1 and R-2 Districts or seventy percent (70%) in the R-3, R-4, and R-5 Districts.*

The proposed lot occupancy is 67 percent, less than the maximum 70 percent permitted within the R-5-B zone.

- 223.4 *The Board may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.*

The Office of Planning does not recommend any special treatments.

- 223.5 *This section may not be used to permit the introduction or expansion of a nonconforming use as a special exception.*

The subject application is for the continued use of the subject property as a one-family row dwelling, and would not result in the introduction or expansion of a nonconforming use.

VI. COMMUNITY COMMENTS

Adjacent neighbors:

- The residents of 2016 Hillyer Place, N.W. submitted a letter indicating that they have no objection to the subject application.
- The residents of 2020 Hillyer Place, N.W. submitted a letter indicating that they have no objection to the subject application.
- The residents of 2019 Q Street, N.W. submitted a letter indicating that they have no objection to the subject application.

The L'Enfant Trust, in a letter dated December 2, 2010, consented to the changes proposed to the subject property.

ANC 2B, at its regularly scheduled meeting of August 10, 2011, voted to support the application.

Attachment 1: Zoning and Vicinity Map

